

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : CONSENT PRELIMINARY ORDER
- v. - : OF FORFEITURE/
FABIOLA MOMPOINT, : MONEY JUDGMENT
a/k/a "Lady Fab," : 22 Cr. 514 (PGG)
Defendant. :
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WHEREAS, on or about September 27, 2022, FABIOLA MOMPOINT, a/k/a "Lady Fab" (the "Defendant"), among others, was charged in four counts of a five-count Indictment; 22 Cr. 514 (PGG) (the "Indictment"), with conspiracy to commit access device fraud, in violation of Title 18, United States Code, Section 1029(b)(2) (Count One); access device fraud, in violation of Title 18, United States Code, Sections 1029(a)(5), 1029(c)(1)(A)(ii), and 2 (Count Two); aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2 (Count Four); and conspiracy to steal mail while employed as a postal employee, in violation of Title 18, United States Code, Section 371 (Count Five);

WHEREAS, the Indictment included, *inter alia*, a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), of any and all property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the commission of the offenses charged in Counts One and Two of the Indictment, and any all personal property used, or intended to be used to commit, the offenses charged in Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, on or about May 16, 2023, the Defendant pled guilty to Counts One and Five of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B) and 1029(c)(1)(C), a sum of money equal to \$91,456.39 in United States currency, representing proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$91,456.39 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-defendants Johnny Damus, Rashaan Richards, Devon Richards, Conrad Heron, Louis Jeune Verly, Johnathan Persaud, Nathanael Foucault, and Kareem Shepherd (the "Co-defendants") to the extent forfeiture money judgments are entered against the Co-defendants in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Ashley C. Nicolas, Chelsea L. Scism, and Madison Reddick Smyser, of counsel, and the Defendant and her counsel, Steven Brill, Esq., that:

1. As a result of the offense charged in Count One of the Indictment to which the Defendant pled guilty, a money judgment in the amount of \$91,456.39 in United States

currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with the Co-defendants, to the extent forfeiture money judgments are entered against the Co-defendants in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant FABIOLA MOMPOINT, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate

or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: Ashley C. Nicolas
ASHLEY C. NICOLAS
CHELSEA L. SCISM
MADISON REDDICK SMYSER
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New York, NY 10007
(212) 637-2467/-2105/-2381

5/16/23
DATE

FABIOLA MOMPOINT

By: Fabiola Mompoint
Fabiola Mompoint (May 12, 2023 11:26 EDT)
FABIOLA MOMPOINT

May 12, 2023
DATE

By: Steven Brill
STEVEN BRILL, ESQ.
Attorney for Defendant
110 E 59th Street, 23rd Floor
New York, New York 10022
steven.brill@sullivanbrill.com

May 12, 2023
DATE

SO ORDERED:

Paul G. Gardephe
HONORABLE PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE

May 16, 2023
DATE